REMARKS

Claims 1, 3-6, 8-16 and 18-24 are all the claims pending in the application.

Reconsideration of the application and allowance of all claims are respectfully requested.

The present invention involves the incorporation of at least one reassembly indicator into the data traffic without increasing the amount of data received from the plurality of sources. Calvignac does not teach this but instead teaches the addition of one-byte trailers at various points in the data traffic to indicate preemption or not to the receiving node. Applicant pointed out in previous responses that Calvignac adds the one-byte trailer after reception of the data from the plurality of sources and therefore increases the amount of control data. The only response to this provided by the examiner was that the claim language did not require that any reassembly indicators actually be incorporated, because the claim language left open the possibility that reassembly indicators may already be present. The REC was filed in order to obtain entry of an amendment precluding this erroneous claim interpretation by the examiner. The examiner has now proposed a different interpretation of Calvignac, unfortunate that the examiner has waited to offer this explanation for the first time now after four office actions and two advisory actions and after applicant has filed four responses arguing this distinction over Calvignac. Nonetheless, it is submitted that this latest rationale for supporting the rejection remains flawed.

Lines 20-55 of column 5 of Calvignac make it clear what is going on in the Calvignac system. When a Real Time (RT) packet is received for transmission, indicators are inserted into the data transmission to indicate that the present NRT packet is going to be pre-empted, and the RT packet is transmitted, using one-byte trailers before and after the RT data to indicate the

beginning and end of the pre-emption. This must result in addition of reassembly indicators to the data.

In the scenario proposed by the examiner, this will not result in addition of control data, because it will simply result in overwriting of the one-byte trailers that existed in the data as received by the intermediate node. But this is not the case. At the time the NRT data is first sent onto the trunk toward an intermediate node, there is no way to predict when that data will need to be interrupted at the intermediate node for transmission of RT data traffic that is not yet even known as the NRT data is first being sent onto the trunk. So the appropriate trailer bytes will have to be added at the intermediate node.

And it is not true that the trailer bytes are included with every packet. The examiner is reading this statement out of context. Fig. 2 shows that at time t1 multiple blocks of a NRT packet N0 are available for transmission. Transmission of block BLK1 of the NRT packet N0 begins, and at time t2 a RT data packet N1 becomes available. When that happens, as described at lines 45-49 of column 5, the trailer byte TB and preemption code 7E are inserted added to the data block BLK1 to indicate that NRT packet N0 is being interrupted. The RT data packet N1 is then transmitted. As described at lines 50-52 of column 5, the RT packet is followed by a trailer byte TB and the preemption code 7E to indicate that the packet just transmitted is a RT preemption packet. As described at lines 52-55 of column 5, if there is another RT packet waiting to be transmitted, a new RT packet is transmitted followed by the trailer byte TB and preemption code 7E, exactly as has happened between times t3 and t4 in Fig. 2. But if there is no further RT packet awaiting transmission, the system resumes transmission of the NRT packet

N0 by transmitting block BLK2 beginning at time t4. Then at time t5 the last block BLK3 of the NRT packet N0 is sent, and this concludes with the trailer byte TB and code 7E.

So it is seen from this that every packet will end with a trailer byte TB and preemption code 7E, but if an NRT packet is interrupted, it will include an extra trailer byte TB and preemption code 7E to indicate the beginning of the preemption. In other words, the trailer byte TB and preemption code 7E occurring at the end of block BLK1 are not the trailer byte TB and preemption code 7E that occur at the end of every packet. For the packet N0, those occur at the end of block BLK3. The trailer byte TB and preemption code 7E occurring just before time t3 are additional reassembly indicators that are inserted into the data stream whenever the NRT has to be preempted.

Claims 1 and 6 recite that all reassembly indicators needed for reassembling the data traffic on receipt are incorporated into the data traffic without increasing the amount of control data. Calvignac adds trailer byte TB and preemption code 7E just before time t3 in Fig. 2, and these were not present in the data traffic as received.

Claims 5 and 16 require that the start of the new/interleaved data stream is determined from a reassembly indicator incorporated into the control data without increasing the amount of control data. The start of the preemption data stream in Calvignac is indicated by the indicators TB and 7E just prior to time t3, and these indicators were not present in the control data prior to such insertion, so the amount of control data has been increased.

For the above reasons, it is respectfully submitted that all claims patentably distinguish over the prior art, and allowance of all claims is respectfully requested,

The other art cited by the examiner and relied on in rejecting certain dependent claims does not make up for the deficiency of Calvignac.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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